

IN THE UNITED STATE BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:	)	Chapter 11
	)	No. 08 B 21356
Burke's Books of Park Ridge, LLC,	)	<i>Hon. Jack B. Schmetterer</i>
	)	Hearing Date: March 22, 2010
Debtor.	)	Hearing Time: 10:30 a.m.

**NOTICE OF MOTION**

To: See attached Service List

PLEASE TAKE NOTICE that on March 22, 2010, at 10:30 a.m., I shall appear before the Honorable Bruce W. Black in Courtroom 682 of the Dirksen Federal Building, 219 S. Dearborn Street, Chicago, Illinois 60604, and then and there present the Reorganized Debtor's Motion to Issue Final Decree and Report as to the Status of its Plan of Reorganization, a copy of which is attached hereto and thereby served upon you.

/s/ Timothy C. Culbertson

CERTIFICATION OF SERVICE

I, the undersigned attorney, certify that I served those appearing on the Service List attached hereto a copy of this Notice and the Reorganized Debtor's Motion to Issue Final Decree and Report as to the Status of its Plan of Reorganization, by causing the same to be delivered by the Court's ECF filing system to those who receive such notices, and as to the remaining recipients by causing the same to be placed in the U.S. Mail, first class postage prepaid, before the hour of 4:30 p.m. on this 15<sup>th</sup> day of March, 2010.

/s/ Timothy C. Culbertson

Timothy C. Culbertson  
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**Service List**

First Chicago Bank & Trust  
1145 N. Arlington Heights Rd.  
Itasca, IL 60143

Antioch Publishing Co.  
888 Dayton St.  
Yellow Springs, OH 45387

Audiocraft Publishing, Inc.  
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Topinabee, MI 49791

Blue Orange USA  
1000 Illinois St.  
San Francisco, CA 94107

Bookazine Co., Inc.  
75 Hook Road  
Bayonne, NJ 07002

Briarpatch  
150 Essex St., Suite 301  
Millburn, NJ 07041

Capstone Press, Inc.  
NW 7559 PO Box 1450  
Minneapolis, MN 55485-7559

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Chicago, IL 60693-0148

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Columbus, OH 43215

G. Bradley Publishing, Inc.  
112 W. Jefferson, Suite 122  
Saint Louis, MO 63122

Gale Group, Inc.  
27500 Drake Rd.  
Farmington, MI 48331-3535

Great American Puzzle Factory,  
Inc.  
Fundex Games, Ltd.  
P.O. Box 421304  
Indianapolis, IN 46242

Hampton Road Publishing  
1125 Stoney Ridge Rd.  
Charlottesville, VA 22902

Ithaca Press  
408 E. Marshall St.  
Ithaca, NY 14850

Journal & Topics Newspapers  
622 Graceland Ave.  
Des Plaines, IL 60016

Kids Preferred, LLC  
P.O. Box 947  
Hightstown, NJ 08520

MacAdam/Cage Publishing, Inc.  
155 Sansome St., Suite 550  
San Francisco, CA 94104

McGraw-Hill Companies  
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Carol Stream, IL 60132-2258

Patrick S. Hart  
1585 Ellinwood, Suite 105  
Des Plaines, IL 60016

Pioneer Press  
3701 W. Lake Ave.  
Glenview, IL 60026

ThinkFun, Inc.  
1321 Cameron St.  
Alexandria, VA 22314

TotalToys, Inc.  
713 Juneway Ave.  
Deerfield, IL 60015

Up With Paper/Popshots Studios  
P.O. Box 3962  
3255 Fairfield Ave.  
Bridgeport, CT 06605

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**REORGANIZED DEBTOR'S MOTION TO ISSUE FINAL DECREE  
AND REPORT AS TO THE STATUS OF ITS PLAN OF REORGANIZATION**

The Reorganized Debtor ("the Debtor"), by and through its attorney, Timothy C. Culbertson, moves this Court to issue a Final Decree in this matter pursuant to F.R.Bankr.P. 3022, and in further support hereof, states as follows:

1. On June 18, 2009, this Court issued an Order confirming the Debtor's Third Amended Plan of Reorganization ("the Plan").

2. Paragraph 1.11 of the Plan defines the Effective Date thereof as the date thirty (30) days following the entry of the Final Order confirming the Plan.

3. The Plan Effective Date occurred on July 18, 2009, and the Order confirming the Plan has become a final Order.

4. Pursuant to the Plan, as of the Effective Date, the following acts were to have occurred: the Reorganized Debtor was to either retain its DIP checking account or open a new account separate from its business operating account for the purposes of funding and disbursements under the Plan. The Reorganized Debtor is to deposit the monthly Plan payment into that separate account and make distributions to creditors as set forth in the Plan above on the last business day of each third month following the Plan Effective Date until completion of all required payments. To date, all of the forgoing requirements under the terms of the Plan have been complied with by the Debtor.

5. Prior to confirmation of the Plan, the Debtor had reviewed the Claims filed in the case as well as its pre-petition activities and determined that no adversary matters were warranted. All claims objections were filed and concluded prior to the date of confirmation. Accordingly, there are no pending and continuing contested or adversary matters related to this Chapter 11 case.

6. Section 350 of the United States Bankruptcy Code provides in relevant part as follows: “After an estate is fully administered and the court has discharged the trustee, the court shall close the case.” 11 U.S.C. § 350(a). F.R.Bankr.P. 3022 provides in as follows: “After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” The Advisory Notes of Rule 3022 provide in most relevant part as follows:

Entry of a final decree closing a chapter 11 case should not be delayed solely because the payments required by the plan have not been completed. Factors that the court should consider in determining whether the estate has been fully administered include (1) whether the order confirming the plan has become final, (2) whether deposits required by the plan have been distributed, (3) whether the property proposed by the plan to be transferred has been transferred, (4) whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan, (5) whether payments under the plan have commenced, and (6) whether all motions, contested matters, and adversary proceedings have been finally resolved.

Further, Courts have recognized that the fact that disbursements under the Plan will become due in the future does not preclude the entry of an order closing a Chapter 11 case. *See, e.g., In re JMP-Newcor International, Inc.*, 225 B.R. 462, 465 (Bankr. N.D. Ill. 1998). Finally, Section 1101 of the Code provides that:

- (2) “substantial consummation” means—
  - (A) transfer of all or substantially all of the property proposed by the plan to be transferred;

(B) assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and

(C) commencement of distribution under the plan.

11 U.S.C. § 1101(2).

7. As set forth herein above, the Order confirming the Reorganized Debtor's Plan has become a final Order, and the Reorganized Debtor has complied with all of the requirements set forth in the Plan to date. Specifically, Patrice Willoughby, the Debtor's President and sole member has assumed the management of the business of the Reorganized Debtor as set forth in the Plan, payment under the terms of the Plan have commenced, and no motions, contested matters or adversary proceedings remain pending. Accordingly the Reorganized Debtor believes that an order closing this case is appropriate at this time.

WHEREFORE, the Reorganized Burke's Books of Park Ridge, LLC, prays that this Court grant the relief requested herein, and issue a Final Decree closing the case.

Burke's Books of Park Ridge, LLC

By: /s/ Timothy C. Culbertson  
Its Attorney

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